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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2011-680**

13 **JULIA NICOLE DRUM**  
14 **2194 Granada Street**  
15 **Napa, CA 94559**  
16 **Registered Nurse License No. 682417**

**ACCUSATION**

Respondent.

17 Complainant alleges:

18 PARTIES

- 19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.
- 22 2. On or about July 7, 2006, the Board of Registered Nursing issued Registered Nurse  
23 License Number 682417 to Julia Nicole Drum (Respondent). The Registered Nurse License was  
24 in full force and effect at all times relevant to the charges brought in this Accusation and will  
25 expire on January 31, 2012, unless renewed.



1 8. Section 2762 of the Code states, in pertinent part:

2 "In addition to other acts constituting unprofessional conduct within the meaning of this  
3 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
4 chapter to do any of the following:

5 ...

6 "(b) Use any controlled substance as defined in Division 10 (commencing with Section  
7 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
8 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
9 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
10 ability to conduct with safety to the public the practice authorized by his or her license.

11 "(c) Be convicted of a criminal offense involving the prescription, consumption, or  
12 self-administration of any of the substances described in subdivisions (a) and (b) of this section,  
13 or the possession of, or falsification of a record pertaining to, the substances described in  
14 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
15 thereof."

16 9. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
17 revoke a license on the ground that the licensee has been convicted of a crime substantially  
18 related to the qualifications, functions, or duties of the business or profession for which the  
19 license was issued.

20 10. California Code of Regulations, Title 16, section 1444, states, in pertinent part:

21 "A conviction or act shall be considered to be substantially related to the qualifications,  
22 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
23 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
24 safety, or welfare."

25 COST RECOVERY

26 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
27 administrative law judge to direct a licensee found to have committed a violation or violations of  
28

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

3 FIRST CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct – Use of Alcohol in a Dangerous Manner)  
5 (Bus. & Prof. Code §§ 2761(a), 2762(b))

6 12. Respondent has subjected her registered nurse license to disciplinary action under  
7 Code section 2761, subdivision (a), as defined by section 2762, subdivision (b), in that she  
8 engaged in unprofessional conduct by using alcohol in a dangerous manner. The circumstances  
9 are as follows:

10 13. On or about January 24, 2009, at approximately 1:25 a.m., two California Highway  
11 Patrol (CHP) officers (Officer 1 and Officer 2) observed Respondent's blue Honda Civic driving  
12 at a high rate of speed going northbound on State Route 29, just south of State Route 121.  
13 According to the officers' radar, Respondent was travelling at 78 miles-per-hour in a 60 mile-per-  
14 hour zone. The officers pulled up behind Respondent's vehicle and activated the patrol vehicle's  
15 emergency overhead lights, initiating an enforcement stop. Respondent yielded to the right  
16 shoulder of the highway. Officer 1 contacted Respondent, the driver, through the open passenger  
17 side window. While speaking with Respondent, Officer 1 detected the smell of alcohol. Officer  
18 1 asked Respondent to step out of her vehicle and walk to the front of the patrol vehicle. Officer  
19 2 observed that Respondent's gait was unsteady and off-balance. When Officer 2 asked  
20 Respondent whether she had been drinking, Respondent stated that she had consumed three beers  
21 at approximately 11:00 p.m. Officer 2 noticed that Respondent's eyes were bloodshot and  
22 watery. Officer 2 smelled a strong odor of alcohol on Respondent's breath and body. Officer 2  
23 asked Respondent several preliminary field sobriety questions and then asked Respondent to  
24 perform a series of field sobriety tests. Respondent exhibited signs of impairment as she  
25 attempted to perform the field sobriety tests. Based on Respondent's objective signs of  
26 intoxication and her poor performance on the field sobriety tests, Officer 2 concluded that  
27 Respondent was driving under the influence of alcohol in violation of California Vehicle Code  
28 (CVC) section 23152, subdivision (a). Respondent took two breath tests at the scene. The first

1 breath test, taken at 1:53 a.m., showed that Respondent had a blood alcohol content of .22  
2 percent. The second breath test, taken at 1:56 a.m., showed that Respondent had a blood alcohol  
3 content of .21 percent. Respondent was transported and booked into the Napa County Detention  
4 Center.

5 SECOND CAUSE FOR DISCIPLINE

6 (Unprofessional Conduct – Conviction)

7 (Bus. & Prof. Code §§ 490, 2761(f), 2762(c); Cal. Code Regs, tit. 16, § 1444)

8 14. Complainant realleges the allegations contained in paragraphs 12 and 13 above, and  
9 incorporates them by reference as if fully set forth.

10 15. Respondent has subjected her registered nurse license to disciplinary action under  
11 Code section 490, section 2761, subdivision (f), and section 2762, subdivision (c), as well as  
12 California Code of Regulations Title 16, section 1444, in that she was convicted of a crime  
13 involving the consumption of alcohol which is substantially related to the qualifications,  
14 functions, and duties of a registered nurse. The circumstances are that on or about April 23, 2009,  
15 in a criminal matter entitled *The People of the State of California v. Julia Nicole Drum*, Napa  
16 County Superior Court Case Number CR 114783, Respondent was convicted by plea of nolo  
17 contendere to one count of violating CVC section 23152, subdivision (b) (driving under the  
18 influence with a blood alcohol content of .08 percent or more), with a special enhancement of  
19 CVC section 23578 (driving with a blood alcohol content of .15 percent or more), a  
20 misdemeanor. Respondent was sentenced to five years of probation and four days in jail.  
21 Respondent was further ordered to pay various fees and fines, submit to a blood, breath, or urine  
22 test if requested by a law enforcement or probation officer, not operate a motor vehicle with a  
23 measureable amount of alcohol in her blood, and immediately enroll in, pay for, and successfully  
24 complete a nine month alcohol treatment program.

25 DISCIPLINE CONSIDERATIONS

26 16. To determine the degree of discipline, if any, to be imposed on Respondent,  
27 Complainant alleges that on or about September 19, 1997, in a prior criminal proceeding entitled  
28 *The People of the State of California v. Julia Nicole Drum*, Contra Costa County Superior Court

1 Case Number 178666-4, Respondent was convicted by plea of nolo contendere to one count of  
2 violating CVC section 23152, subdivision (a) (driving under the influence of alcohol or drugs), a  
3 misdemeanor. The record of the criminal proceeding is incorporated as if fully set forth.

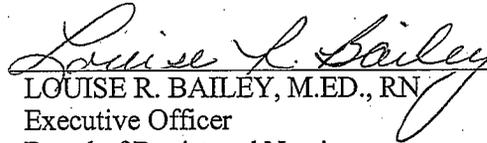
4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
6 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

- 7 1. Revoking or suspending Registered Nurse License Number 682417, issued to Julia  
8 Nicole Drum;
- 9 2. Ordering Julia Nicole Drum to pay the Board of Registered Nursing the reasonable  
10 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
11 Code section 125.3;
- 12 3. Taking such other and further action as deemed necessary and proper.

13  
14 DATED: \_\_\_\_\_

2/2/11



LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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